

UNIVERSAL DESIGN COMMITTEE
Division of the State Architect Advisory Board

Minutes of Public Meeting
Wednesday, May 26, 2004

California Community Colleges Building
1102 Q Street, 3rd Floor, Conference Rooms 3B and 3C
Sacramento, California

Committee Members Present

John Paul Scott, Chair
Gale Bate
Pete Guisasola
Chris Lawrence
Peter Margen
Ron Mincer
Bob Nicol
Pete Peterson
Richard Skaff
Amor Taylor
Sharon Toji

Committee Members Absent

Mike Modugno

DSA Staff Present

Stephan Castellanos
Mary Ann Aguayo
Linda Huber
Aaron Noble
Dan Rasmussen
Louise Redeen
Terry Salo
Derek M. Shaw
Elena Tarailo
John Vester

OPSC Staff Present

Engel Navea
Carol Shellenberger

Others Present

David Adams, Robertson Industries
Chad Allen, National Federation of
the Blind
Tom Betts, Kone Elevator
Elouise Bird, Softfall, Inc.
Mike Bonelli, *
Margaret Brown, *
Sloan Bunting, No Fault Industries
Michael Couey, National Federation
of the Blind
Warren Cushman, California Council
of the Blind
Mary Elkton, Sierra Organics Company
Margaret Faye, Fayeworks Design
John Fusco, *
Michael Gibbons, CA Bldg. Standards
Commission (via teleconference)
Rich Gould, consultant
Donn Harter, CA Glass Association
Jon Julnes, Vanguard ADA Systems
Dan Kyser*, CA Council of the Blind
Rhonda* King, CA Council of the Blind
Daniel P. Larsen, CALBO
Kerwin Lee, Ralph Jenson Associates
Gene Lozano, CA Council of the Blind
Paul MacIntyre
Megan Macy, Lozano Smith
David J. Martinez, CALBO
Ron McBain*, California Council of the
Blind
George Moore, Californians for
Disability Rights
Greg Moore, Golden State Vanguard
Stephen Moore, Ellis & Ellis Signs
Henry Mustacato, Fibar
Noel Nudeck, Access Now Today
(via teleconference)
Jill O'Brien, S.F. Redevelopment
Agency

Kevin Owens, Play World Systems
Michael Paravagna, DOR/DAS
Kevin Reinertson, HCD
Joe Simi*, CA Sport & Recreation
David Spease, landscape architect
Dave Walls, HCD
Glenn Wardstrom*, All About Play

Call to Order and Introductions

Committee Chair John Paul Scott called the meeting to order at 10:10 a.m. and welcomed everyone. He asked participants to identify themselves before speaking and to avoid using acronyms without providing a definition.

Mr. Scott noted that the Bagley-Keene Open Meeting Act requires that all committee meetings and conversations involving more than two committee members at a time be properly noticed and accessible to the public. He added that this restriction also applies to e mail communications.

Mr. Scott said the meeting was being recorded and recommended that the committee take action by passing motions. He suggested recording all minority opinions so they can be clearly articulated in the meeting report and conveyed to the State Architect. He suggested that committee members make motions, have discussion, and then open the floor to comments from audience members before voting.

Mr. Scott noted that at its last meeting, the Universal Design Committee recommended making some exceptions in the policies and procedures regarding the size, structure, and composition of committees. He said the committee is proposing a total of 13 members, including Mr. Peter Margen, NFPA's code development consultant, and all members would have full voting privileges. Committee members would serve two-year terms, which can be renewed or extended up to one additional year. In order to hold meetings, the committee needs a quorum of 50 percent plus one of its members, and two of those present must be Board members. Mr. Scott added that the committee will have a total of four Board members serving on the committee. The Board members and chair are appointed by the chair of the DSA Advisory Board. Mr. Scott said these modifications will be presented to the Board at its June 18 meeting for approval.

Mr. Scott asked committee members needing special assistance or accommodation to let the staff know at least one week in advance of meetings. He said real-time captioning, sign language interpretation, and documents in electronic and Braille formats can then be arranged.

Mr. Scott asked all participants to sign in on the sign-in sheet and introduce themselves. Committee members, staff, and audience members took turns introducing themselves.

Mr. Scott noted the Universal Design Committee created two task groups to work on specific issues. He encouraged people interested in either the Door Opening Force Task Group or the Play Areas Task Group to sign up and participate.

Committee Matters

Update on Vacant Position

Mr. Scott reported that letters were sent to specific organizations dealing with visual impairments to solicit nominations for a committee member to represent the blind and

FINAL UDC Minutes of 5-26-04

visually impaired community. He named the organizations that have already been contacted and asked meeting participants to let the staff know of other organizations or individuals who might be interested.

Mr. Ron Mincer offered to provide contact information for the Blind Veterans Association and Ms. Sharon Toji recommended contacting the Braille Institute in southern California.

Update on Policies and Procedures Committee Meeting

Mr. Gale Bate reported that the DSA Advisory Board's Policies and Procedures Committee met on May 19 and considered the committee's recommendations regarding the membership and structure of the committee. He said the Policies and Procedures Committee will be presenting proposed modifications to the Advisory Board for approval at the Board's June 18 meeting.

Meeting Agenda

Mr. Skaff recommended adding a time for public comment at the beginning and end of each meeting.

Mr. Scott said members of the public will be able to make comments on each agenda item. He noted the "New Business" item provides an additional opportunity for public input.

Mr. Scott asked the staff to include a public comment period on future agendas.

Committee Meetings

Mr. Skaff expressed concern that the tape was not running during one section of the last meeting. He recommended leaving the tape on for the entire meeting so that all discussions can be reflected in the meeting minutes.

Mr. Scott clarified that the Bagley-Keene Act does not require public meetings to be taped.

Mr. Skaff made a motion, seconded by Mr. Scott, to direct the staff to keep the tape running for the entire meeting.

Mr. Noel Nudeck recommended using three-hour tapes to minimize interruptions.

Mr. Vester stated that meetings are never interrupted to change tapes. Mr. Scott asked the staff to request a pause whenever tapes need to be changed.

Mr. Pete Peterson asked how meeting minutes are prepared. Ms. Elena Tarailo responded that the staff takes notes, and both tapes and notes are provided to a transcriber. Mr. Vester added that the transcriber also has access to the CART transcription when available and if necessary.

The motion was carried unanimously.

Mr. Scott asked committee members to put all future motions in writing.

Approval of Minutes - April 16 Committee Meeting

Mr. Scott welcomed comments on the April 16 minutes.

FINAL UDC Minutes of 5-26-04

Mr. Bate made a motion, seconded by Mr. Chris Lawrence, to approve the April 16 minutes.

Mr. Pete Guisasola drew attention to Page 11, Lines 33 through 35. He clarified that it was not his intent to recommend creation of a custom code in California. He proposed changing the second sentence to say, "He agreed with Mr. Bate and acknowledged that a customized code would avoid usability issues of Title 24."

Ms. Sharon Toji noted the third sentence in the last paragraph on Page 10 is incorrect. She clarified that the signage provisions of ANSI are more stringent than Title 24.

Mr. Skaff asked why the line numbers were different on some versions of the minutes. Mr. Vester explained that variations occur because of differences in the settings on individual computers when the Word file is printed. Mr. Scott proposed deleting the line numbering, and other committee members agreed.

Mr. Peterson pointed out a typographical error in the next-to-last paragraph on Page 10, Lines 38 and 39. He noted the words "was quite" should be changed to "quit."

The motion to approve the minutes was amended to include the changes discussed by the committee. The amendment was seconded, and the motion was carried, 9 - 0 - 2 (Mr. Scott and Mr. Peterson abstaining).

Mr. Scott introduced Mr. Peter Margen and welcomed him to the meeting.

DSA Update

2004 Code Adoption Cycle

Mr. Aaron Noble drew attention to the proposed code changes for the 2004 code adoption cycle. He said the changes will be submitted to the Building Standards Commission on August 2.

Mr. Skaff recommended that the committee review, discuss, and vote on each proposed change individually.

Mr. Bate commented that it might not be necessary to vote on every change. He suggested approving all the editorial changes together.

Mr. Skaff agreed, and proposed voting only on non-editorial changes. Committee members supported that approach.

Mr. Jon Julnes requested an opportunity for public comment before votes.

Ms. Toji recommended getting additional microphones at the next meeting. State Architect Stephan Castellanos said the staff will find a better meeting space and more microphones for meetings where code cycle changes are proposed.

Referring to Page 1 of 26 of the "Draft Express Terms" document, Mr. Noble drew attention to the proposed change in the title of Chapter 5, substituting "Persons with Disabilities" in place of "Physically Handicapped Persons."

FINAL UDC Minutes of 5-26-04

Mr. Skaff made a motion, seconded by Ms. Toji, to accept that proposed editorial change throughout the document. The motion was carried unanimously.

Mr. Noble noted the DSA office address changes under Section 5-103.

Mr. Skaff made a motion, seconded by Mr. Lawrence, to approve the address changes. The motion was carried unanimously.

Mr. Noble said the next change occurs in the title to Section 5-202, replacing "IEAA" with "IEEA."

Mr. Guisasola made a motion to approve that change, and Mr. Peterson seconded.

Mr. Peterson noted all references to "IEAA" should be changed to "IEEA" throughout the document. Mr. Guisasola accepted that amendment.

The amended motion was carried unanimously.

Turning to Page 2 of 26, Mr. Noble said the next change entails adding the DSA banner to the beginning of Sections 101 through 101.17.11.

Mr. Lawrence made a motion, seconded by Mr. Skaff, to approve addition of the DSA banner as proposed and where appropriate throughout the document. The motion was carried unanimously.

Mr. Noble drew attention to the addition of the statement, "This note is not adopted by DSA/AC" after Section 101.3.1. Mr. Skaff asked that the note be read in its entirety, and Mr. Noble read the entire note.

Mr. Skaff clarified that the Note was the only provision DSA was not accepting, so fire reconstruction projects will still have to meet all access requirements. Mr. Noble said the Note defines the State Fire Marshal's jurisdiction, which is limited to occupancies outlined in Chapter 1.

Mr. Mike Gibbons questioned why the qualifier was being added saying DSA was not adopting that provision. Mr. Noble explained that DSA was adopting all of 101.3.1 except the Note. Mr. Skaff clarified that DSA was not accepting any lessening of the provisions in 101.3.1, which the Note would do.

Mr. Bate observed that notes have no enforcement authority. Mr. Skaff pointed out that notes are used for interpretation and enforcement throughout the state.

Mr. Guisasola noted this issue comes up with other parts of Title 24 when individual state agencies object to certain provisions. He suggested it would be less confusing for DSA to explain its intent rather than inserting an exclusion. Mr. Gibbons agreed.

Mr. Margen made a motion, seconded by Mr. Ron Mincer, that DSA rewrite the language to express its intent.

FINAL UDC Minutes of 5-26-04

Mr. Peterson observed that the complete text of some sections is not spelled out in the draft version provided to committee members. He noted it was difficult to vote on motions without an opportunity to see the entire text.

The motion was carried unanimously.

Mr. Noble reviewed the new language proposed for Section 104.2.8.1.3.

Mr. Guisasola made a motion, seconded by Mr. Skaff, to approve the language.

Mr. Guisasola commented that the additional language helps clarify DSA's intent.

Mr. Margen said the section appears to codify the California Government Code and Health and Safety Code provisions allowing for alternate materials and methods, as long as they provide "equivalent facilitation" and protection. He suggested it might be better to mirror the language in those code sections instead of drafting new language.

Mr. Skaff asked if the proposed language had been reviewed for its potential legal implications.

Mr. Noble said he did not believe the term "equivalent facilitation" was defined.

Mr. Scott noted hardship should only be considered in alteration projects, not new construction. He said he was a bit uncomfortable with the language as proposed. Mr. Skaff agreed, and noted the wording implies that hardship can be applied to new construction. He expressed concern about mixing terms used for new construction with concepts used for alterations.

Ms. Toji stated that hardship is often a factor used to determine the location of signs.

Ms. Toji questioned whether the proposed language removes the concept of equivalent facilitation.

Mr. Peterson asked if there were other parts of the code directing building officials to consider new construction differently from alterations. Mr. Scott said those distinctions are not clearly spelled out elsewhere in terms of accessibility. Mr. Bate clarified that the current model code makes no distinction between new and existing construction.

Mr. Guisasola amended his motion to send this section back to the staff for further study and legal review. Mr. Skaff seconded the amended motion.

An audience member asked if the proposed language was intended to limit use of alternate materials and methods only to cases of unreasonable hardship. Mr. Noble responded that the Health and Safety Code allows building officials to grant exceptions and allow alternate materials in cases of "unreasonable hardship."

Mr. Nudeck recommended defining "unreasonable hardship."

Mr. Gibbons said the Government Code and Health and Safety Code grant the building official authority to allow variances, as long as they are not less stringent than the ADA. However, there is no requirement for a finding of unreasonable hardship. Because

FINAL UDC Minutes of 5-26-04

statute supersedes regulation, Mr. Gibbons recommended not including this provision in the building code.

Mr. Dan Larsen commented that allowing building officials to approve alternate materials and methods that are not validated by studies of structural integrity can result in poor decisions based on “unreasonable hardship.” He recommended requiring an appeals process to verify the safety of alternate materials before allowing their use.

Mr. Nudeck commented that the appeals board in San Diego tends to be skewed toward architects who do not have disabilities, so mandates are often waived.

The motion was carried unanimously.

Mr. Noble drew the changes to Section 201, “Definitions,” beginning on Page 3 and continuing to the top part of Page 5. Mr. Scott proposed dealing first with the proposed changes to definitions through “Powder Room.”

Mr. Skaff made a motion, seconded by Ms. Toji, to adopt the proposed changes to those definitions.

Mr. Larsen said CALBO and HCD are in the process of rewriting some of the provisions in 11A for submittal to the Building Standards Commission. He suggested coordinating with HCD before adopting any provisions pertaining to 11A.

Mr. Guisasola proposed a friendly amendment, to have DSA coordinate the process with HCD to ensure there are no substantive changes to accessibility provisions. Mr. Skaff and Ms. Toji accepted the amendment.

The amended motion was carried unanimously.

Mr. Noble drew attention to the provisions on “Public Accommodation,” starting near the middle of Page 5. He said the new language in Example #1 is consistent with the ADAAG provision.

Mr. Noble proposed deferring this item until after the lunch break, pending a review of the specific Title 3 language.

Mr. Warren Cushman said he had to leave after lunch and asked when the committee planned to discuss the truncated dome issue. Mr. Scott responded that the committee would be dealing with truncated domes at some point. He suggested that Mr. Cushman give Mr. Vester his business card and contact information.

Mr. Guisasola made a motion, seconded by Mr. Skaff, to modify the agenda to allow the public to comment on the proposed code changes regarding detectable warnings.

Mr. Skaff noted a number of people were interested in this topic. Mr. Scott suggested taking up the issue of detectable warnings immediately after lunch. He asked how many other people wanted to speak on this issue, and several people responded. Mr. Mergen proposed taking the item before lunch.

FINAL UDC Minutes of 5-26-04

After some discussion, committee members decided to deal with the entire issue before lunch. Mr. Scott suggested limiting speakers to two minutes each.

Mr. Skaff clarified the intent of his motion was to have the staff read the item, take public comment first, and then have committee discussion. Committee members approved this approach.

The motion was carried unanimously.

Mr. Noble drew attention to Section 1127B.5, "Curb Ramps," on Page 18 of 26. He read Paragraph 3, "Slope of curb ramps," and explained the rationale for the proposed deletion. He reviewed the modifications to Paragraph 7, "Detectable warnings."

Mr. Chad F. Allen, legislative representative, National Federation of the Blind, expressed opposition to the idea of using truncated domes as detectable warnings on any ramps or sidewalks. He said blind people have no trouble identifying ramps and sidewalks without domes, and he noted ADAAG suspended the idea of truncated domes, except for transit boarding platforms. He suggested waiting for the ADAAG report before determining whether to make any changes.

Mr. Warren Cushman, California Council for the Blind, and Californians for Disability Rights, acknowledged that there is controversy among people with visual impairments and people who use wheelchairs as to the helpfulness of truncated domes as detectable warnings. He recommended further dialogue on this issue.

Ms. Rhonda* King, California Council of the Blind, spoke in support of detectable warnings. As a person with both visual and hearing impairments, she said her mobility would be significantly impaired without detectable warnings. Ms. King noted that people with diabetic neuropathy would also benefit from truncated domes.

Mr. Dan W. Kyser*, California Council of the Blind, expressed appreciation to the UDC's long-standing commitment to protecting public pedestrian safety and access. He advocated use of truncated domes to assist people with visual impairments. He noted that downtown Sacramento has blended curbs and streetcar platforms that would be very hazardous without detectable warnings.

Mr. Gene Lozano, California Council of the Blind, presented a resolution passed by the California Council of the Blind supporting detectable warnings. He cited reports by the Access Board and Federal Transportation Administration attesting to the negotiability and safety of detectable warnings on sloped surfaces. Mr. Lozano recommended installing 36-inch-wide detectable warning strips on all ramps. He noted the number of people with visual impairments will be increasing as the Baby Boomer population ages.

In terms of dome specifications, Mr. Lozano advocated use of smaller domes, with a base diameter of .90, a top diameter of .45, and a height of .2 inches. He expressed support for increasing the spacing between domes to a minimum of 1.66 and a maximum of 2.35 inches, with a margin of +/- .05. He added that these dimensions will not pose a substantial hardship for dome manufacturers.

Mr. Jon Julnes agreed with the recommendations made by Mr. Lozano. He distributed copies of photos showing how truncated domes can be used. He supported elimination the "sound on cane" requirement for transit platform edges. He suggested that the state

FINAL UDC Minutes of 5-26-04

prohibit stamped domes, and require detectable warnings to be made of nonskid, weather-resistant materials, without mechanical fasteners.

Mr. Rich Gould noted the new ADA accessibility guidelines do not retain the requirement for detectable warnings for curb ramps, and he asked if the California provisions will be amended to conform once the new federal standards are adopted. He recommended making a distinction between curb ramps in public rights-of-way and ramps in public accommodation areas like shopping malls. Mr. Gould observed that the DSA access compliance manual indicates that detectable warnings are not required at curb cuts that are not at crosswalks, such as ramps leading to access aisles in parking lots.

Mr. Dan Larsen, representing the CALBO Access Compliance Committee, said building officials are primarily concerned about enforceability of building code provisions and training. He urged DSA to make sure that whatever requirements are adopted are clearly illustrated and defined in the code. He recommended providing clear diagrams showing how truncated domes should be placed.

Mr. Larsen said that although the proposed language addresses truncated domes at curb ramps and transit boarding platforms, there are no provisions requiring truncated domes at other hazardous locations. He recommended that this issue be addressed as well.

Mr. Michael Couey expressed opposition to use of truncated domes as detectable warnings. He said the domes can be distracting for people who use canes. He advocated better training in mobility and traveling rather than installing detectable warning strips. Mr. Couey acknowledged that domes might be helpful in dangerous areas, but not on regular curbs and streets.

Mr. Paul MacIntyre opposed use of truncated domes. He said the slope of a ramp is usually sufficient to warn many visually impaired people of curb and platform edges. As an alternative, he recommended better training in use of canes and service dogs. Mr. MacIntyre expressed concern about wasting money on something that will not provide much benefit.

Mr. Gibbons stated he attended a seminar the week before in which a speaker from the Department of Justice indicated the only reason truncated domes are included in the existing ADA guidelines is because the suspension expired in 2001 and has not yet been extended. Mr. Gibbons observed there is considerable difference of opinion regarding the use of truncated domes and their specifications. He said attorneys are the only people who clearly benefit from the truncated dome requirement. He recommended leaving the existing code provisions in place and waiting to see what action the Department of Justice takes on this issue.

Mr. Nudeck noted curb ramps are called "pedestrian ramps" in many places in the U.S., and he urged DSA to consider the terminology carefully.

Mr. Scott welcomed comments from the staff and committee members.

Ms. Linda Huber said DSA had received some written comments on this issue. She reported that Ms. Shannon Williams; Ms. Nancy Burns, California Federation of the Blind; Ms. Linda Raffa, entertainment editor and reporter, Pasadena City College

FINAL UDC Minutes of 5-26-04

newspaper; and Mr. Frank Luza, National Federation of the Blind; Mr. Robert Stigili, National Federation of the Blind; Paul Wick, San Francisco State University; and Ms. Maureen Barcello, National Federation of the Blind, sent letters opposing use of detectable warnings. Mr. Jon Julnes, Vanguard ADA Systems; Chris Heinz, Am-rit Services; Mr. Greg Moore; and Mr. Dennis Sharp, Sharp Design Consultants, submitted other comments.

At 12:45 p.m., a short recess was taken. Mr. Scott reconvened the meeting at 1:00 p.m.

Mr. Scott welcomed comments on detectable warnings from committee members.

Mr. Skaff commented that some of the reports mentioned by members of the public have not yet been approved by the Office of Management and Budget for distribution. He questioned how the information had been disseminated.

Mr. Scott clarified that OMB will release its final rule in July, but a copy of the document was released at the ICC/ANSI committee meeting. He said he had been informed there were no language changes for the past two years.

Mr. Skaff observed that Caltrans had just adopted its own curb ramp construction standard, which is based in part on unproven design standards. In particular, he recommended that the committee look at the issue of stamped concrete domes, an element of Caltrans' standard plans. Mr. Skaff said the new ADAAG will probably not require truncated domes in curb ramps, except on transit platforms, but at least one federal agency will be specifying truncated domes in its projects. He recommended that the committee focus on what is necessary for access in California.

Mr. Skaff added that the U.S. Access Board Advisory Committee on the Public Right-of-Way developed a consensus in support of a guideline for 24 inches of in-line truncated domes within the 4-foot ramp area and 6 inches up from the bottom edge of the ramp. He said he was surprised to see so many people from the National Federation of the Blind at this meeting speaking in opposition to the concept.

Mr. Skaff recommended addressing other issues like "sound on cane," surface-applied versus integrated domes, and color and contrast. He expressed concern about deviating from the consensus conclusion that truncated domes were preferable.

Mr. Lawrence commented that the issue of truncated domes was both complicated and controversial. He suggested tabling the topic and sending it back for further research.

Mr. Lawrence made a motion, seconded by Mr. Skaff, to table the issue of truncated domes as detectable warnings for further study.

Mr. Scott said he had some technical concerns with the language. He questioned whether the requirement should apply to "all curb ramps" or just those in hazardous vehicular areas. Mr. Scott expressed his opinion that the proposed language was incomplete; he noted the provisions do not address light rail crossings, for example. He pointed out that some of the measurement requirements are not clearly defined. He also opposed allowing surface-applied detectable warnings, and recommended cast-in-place rather than stamped.

FINAL UDC Minutes of 5-26-04

Mr. Guisasola emphasized the importance of clarity, in terms of defining the scope of where detectable warnings are needed. He expressed concern about taking some interim step that is likely to be changed or undone in the near future; in that case, he noted, it might be better to stay with the existing standard until the new federal standard is released. However, if that process will take too long, he advocated adopting a clear and concise standard that will not cause interpretation problems.

Mr. Margen recommended referring this issue back for further study to avoid promoting any additional inconsistency, which endangers everyone's environment. He urged the committee to focus instead on developing a strong recommendation to the State Architect to develop an interpretive regulation or guideline to advise the public where and how to apply detectable warnings. He added the committee's effort would be better spent in advising the state how to apply detectable warnings in state buildings.

Mr. Mincer recommended keeping the term "nominal" in the language.

Mr. Skaff suggested reviewing Caltrans' master plans. He noted the Federal Highway Administration is requiring truncated domes for all new and rebuilt curb ramps.

Mr. Lawrence clarified the intent of his motion was to hold off on approval of Section 1127B.5 pending further research and discussion. Mr. Skaff suggested including that DSA will coordinate with Caltrans and review their standards. Mr. Scott proposed establishing a task group to work on this issue. Mr. Lawrence and Mr. Skaff accepted these amendments.

Mr. Noble noted that in conjunction with detectable warnings, DSA is required to select an independent entity to evaluate the produce for conformance with current building standards and developed an approved product list. He added that the current code requires a staggered pattern, so in-line domes would not be allowed unless there is a change.

Mr. Scott proposed amending the motion to include recommending an in-line pattern. Mr. Lawrence and Mr. Skaff accepted the amendment.

Mr. Skaff asked about the makeup of the ad hoc committee. He suggested including some UDC members.

The amended motion was carried unanimously.

Mr. Noble noted that given the amount of material to be reviewed, the committee will need to meet again to complete all the work on the agenda.

Mr. Bate pointed out there will be additional time to review the provisions after the package is submitted to the Building Standards Committee on August 2. Mr. Noble said the package needs to be ready to be submitted for agency approval in mid-June. He suggested that the committee meet again in conjunction with the Advisory Board meeting.

Mr. Skaff made a motion, seconded by Mr. Margen, to refer Section 1133B back for further study.

FINAL UDC Minutes of 5-26-04

Mr. Peter Nielson, HMR, San Diego, said his company manufactures pre-cast concrete truncated domes that have already been approved by the Division of the State Architect. Mr. Noble clarified that the DSA product acceptance program is not yet in place, but the staff can approve products on a case-by-case basis.

Mr. Greg Moore, Golden State Vanguard, asked if DSA requires a five-year warranty for all approved products. Mr. Noble responded that the memo posted on the DSA Web site restates the law, which contains requirements regarding weather resistance and performance.

Mr. Skaff drew attention to the bottom of Page 20, the annotation regarding Figures 11B-18A, -B, and -C. He noted the figure does not reflect code requirements. He added that painting "No Parking" over cross-hatched areas makes the words difficult to read, and the language should state where the verbiage should be located. He recommended sending that section back for further revision.

Mr. * said Mr. John Lonberg, a code consultant in southern California, sent an email expressing concerns about how width of accessible parking spaces is measured. He proposed amending Section 1129B.2 to require appropriate signage.

Mr. Scott noted Mr. Skaff's motion was to send the issue back to DSA for reconsideration, recommend that DSA address where the "No Parking" verbiage is located and its color and contrast, and to clarify how the parking space and aisle are to be measured. Mr. Skaff said the state Vehicle Code requires signage for the space and lot.

Mr. Mincer observed the language says the space must be 5 feet wide, but the first space actually has to be 18 feet wide to be van-accessible.

Mr. Larsen suggested that the committee also look at whether a van space can share a common access aisle, an issue that came up in a recent lawsuit.

Mr. Mincer recommended further study pertaining to placement of parking lot access aisles as well.

Mr. Scott asked the staff to consider these points.

The motion was carried unanimously.

Mr. Scott noted an audience member had requested an opportunity to address signage. He suggested that the committee identify which issues to address at this meeting and which should be deferred.

Mr. Peterson observed that there were some people interested in discussing play area accessibility.

Mr. Scott acknowledged that Mr. Henry Mustacato had requested 5 minutes, and he suggested moving to that issue. Committee members agreed.

Mr. Peterson said the task group had not met pending further guidance from the Policies and Procedures Committee and the Universal Design Committee regarding meeting requirements and staffing.

FINAL UDC Minutes of 5-26-04

Mr. Scott drew attention of committee members to the packet of proposed motions, along with excerpts from the Bagley-Keene Open Meeting Act. He noted that at previous meetings, the committee had identified the following key issues regarding play areas: 1) use of engineered wood fiber, and its maintainability as a stable, firm, accessible route; 2) reliance on an out-of-date ASTM 1487 standard for state law that leaves out critical changes in safety and accessibility; 3) that state law refers to an out-of-date accessibility guideline that has been replaced by a final play area guideline; 4) the accessibility guideline does not address certain types of equipment and play events; 5) protruding objects, transfer platforms, and paths of travel around play experiences; 6) DSA plan-checkers and inspectors lack knowledge of ASTM or Consumer Products Safety Commission's safety and accessibility standards, resulting in playgrounds not in compliance with state law or conventional industry practice.

Mr. Scott reminded the committee that the committee unanimously passed a motion to not recommend materials that require continued, ongoing maintenance in order to be firm and stable, and that recommendation was forwarded to the DSA Advisory Board. The committee also took action to establish a task group, consisting of Mr. Peterson, Mr. Skaff, and Mr. Scott, to begin developing policy statements that can be used to create future code language.

Mr. Nudeck said that after noticing a play area on his street with a bark surface, he tried to pass over the surface in a wheelchair and got stuck.

Mr. Scott said Mr. Mustacato's presentation will address some issues of maintenance, and maintenance was identified as a key issue for the committee's attention.

Mr. Scott invited Mr. Mustacato to address the Universal Design Committee. Mr. Skaff asked the presenter to narrate along with his slides.

Mr. Mustacato provided samples of engineered wood fiber. He showed a diagram of how the material is installed separately from solid-surface accessible ramps and level surfaces. Mr. Mustacato clarified that engineered wood fiber is not the same as wood chips, bark mulch, or other wood by-products. Rather, a special grinding process is used to create a manufactured shredded material in a range of different particle sizes, which enables them to knit together in an aggregate form.

Mr. Mustacato discussed proper installation of engineered wood fiber separately from accessible ramps. He emphasized the importance of a proper drainage system. He stated that engineered wood fiber must be raked level at the time of its installation, and then raked again two weeks later [solid rubber wear mats]. In addition, Mr. Mustacato noted, wear mats must be installed at high-use areas, such as under swings and at slide exits. He said that in order to be classified as engineered wood fiber, a product must meet ASTM standards for accessibility, specifications, and impact attenuation.

Mr. Mustacato emphasized the importance of proper maintenance. He said that provided the material was installed properly and raked level, as recommended, the surface requires little or no additional maintenance. He recommended regular inspections to check for unusual wear or unevenness. Mr. Mustacato noted engineered wood fiber playgrounds typically require a top-off every three years to restore the original depth and level, with particular attention to entry and exit points.

FINAL UDC Minutes of 5-26-04

Mr. Skaff asked about the specifications for the wear mats discussed by Mr. Mustacato. Mr. Mustacato discussed how the wear mat materials are tested and rated. Mr. Skaff asked for more information about the materials and their accessibility features. Mr. Mustacato said wear mats are made of rubber similar to that used in rubber tiles, and have beveled edges.

Ms. Elouise Bird, Softfall, stated that her company also has wear mats with beveled edges. She described the material and sizes. She noted 1292 is the industry standard for fall zones, and the mats also meet accessibility standards.

Mr. Scott commented that impact attenuation has a performance measure, and a separate test is used for accessibility. He noted most wear mats are fairly firm surfaces.

Mr. Scott asked how mats are anchored. Mr. Mustacato said his company does not recommend anchoring. He added that the mats weigh about 65 pounds each, and the weight keeps the mats in place.

Ms. Bird said Softfall recommends going down 5 or 6 inches, but not anchoring. She said the waffle surface on the bottom of the mat goes into the wood fiber. She noted Softfall mats weigh about 85 pounds.

Mr. Peterson asked if wear mats are provided as part of the installation. Mr. Mustacato confirmed that mats are provided. Mr. Scott pointed out that the manufacturer merely provides the product, but does not design or install playgrounds and playground equipment. Mr. Mustacato noted the warranty requires proper installation, which includes proper drainage and use of wear mats.

Mr. Peterson said the committee had heard testimony previously that engineered wood fiber is acceptable, but only if it is properly installed and maintained. He asked for suggestions as to how to encourage the end user to pay attention to proper installation and maintenance. He expressed concern that use of engineered wood fiber involves many important steps, but there is a lack of control over those processes.

Mr. Mustacato expressed an interest in working with the task group to resolve all these issues. He said people in his industry have ideas about what approaches would be most effective.

Mr. Kevin Owens, Play Worlds, observed that engineered wood fiber was being held to a higher standard than other systems like highway striping, elevators, or emergency exit hardware. He pointed out that installation can be far removed from the manufacturing process, as is true for other products. He questioned how the manufacturer could be held responsible for improper installation later. Mr. Scott clarified that the intent was not to hold a particular manufacturer or product responsible, but to focus on the concept of an accessible and usable play area, based on both state law and real-world experience.

Mr. Skaff said he was surprised to hear a manufacturer of a supposedly accessible ground surface material, who presented the material as accessible four years ago, and who promoted their use in school play areas, now tell the committee that wear mats must be used to solve problems with maintenance and actual accessibility. Mr. Mustacato responded that much has been learned based on research and experience since then, and the latest recommendations reflect the current state of knowledge.

FINAL UDC Minutes of 5-26-04

Mr. Peterson said he viewed engineered wood fiber more as an enforcement issue, not a manufacturing problem. He questioned how proper maintenance can be enforced. Mr. Peterson pointed out that the committee's previous motion reflects a recognition of fundamental design problems connected with use of engineered wood fiber in playgrounds. He questioned whether DSA inspectors are knowledgeable about proper installation and maintenance requirements.

Mr. * said local officials have authority to respond to complaints and take enforcement action. Committee members noted a complaint-dependent approach would not be sufficient to ensure safety. Mr. * expressed support for performance-based standards.

Ms. Mary Elkton, representing Sierra Organics Company, an engineered wood fiber manufacturer, expressed her opinion that maintenance was a common-sense operation, and checking under swings and at exits would be obvious. She noted public playgrounds often lack funds to pay for more expensive types of surfacing. Ms. Elkton advocated using kick plates [wear mats] under swings and high-use areas. She suggested designing larger plates for underneath play equipment.

Ms. Elkton noted that all wood products will deteriorate, and the smaller the particle, the faster it will break down. She said this is why sizing is an important ASTM standard.

Mr. Scott asked about the life cycle of an engineered wood fiber surface on a playground. Ms. Elkton said she saw ten-year-old material at the Tracy Unified playground, and when the play area was being remodeled, the layers underneath the surface had maintained their integrity and were in perfect condition.

Mr. Larsen asked what permit and inspection standards local building officials are expected to use when looking at play areas in apartment complexes and uses other than schools. He questioned the regulatory authority involved. Mr. Scott noted the committee previously reviewed the state law applicable to playgrounds, and he offered to provide the Title 22 references later.

Mr. * cautioned that specifying a specific material in the provisions will stifle invention in the industry. He acknowledged that the material appears to require some maintenance, and he suggested developing a performance standard rather than prohibiting a material.

Mr. * stated that discouraging use of engineered wood fiber would add significantly to the cost of playgrounds, so one result of adopting the proposed language will be fewer playgrounds.

Mr. Scott clarified that the committee does not ban nor endorse any material. He said that he too was surprised to learn that wear mats are required as a condition of the warranty. He added that he has visited many playgrounds that use wood fiber but without the mats. Mr. Scott expressed his opinion that accessibility was still a major issue, given entry barriers, dug-out areas, and lack of maintainability.

Mr. Peterson observed that engineered wood fiber is not the only material singled out for extra scrutiny. He cited the example of truncated domes, discussed earlier, and noted DSA was defining longevity, colorfastness, slip-resistance, and structural integrity. He suggested that DSA define an accessible material, and then the industry will develop a way of bringing their material to that standard.

FINAL UDC Minutes of 5-26-04

Mr. Scott reviewed the motion passed by the committee on August 22, 2003, "that materials for both the path of travel to and within play areas and ground surface areas must be firm and stable and of a surface that does not require ongoing momentary maintenance." He said Mr. Skaff, the maker of the motion, also "recommended conveying the committee's opinion to the DSA Advisory Board that engineered wood fiber does not provide the necessary firm and stable ground surface material."

Mr. Scott pointed out the accessible route was the primary issue. He explained the concept of "accessible route," and noted it probably takes up less than 25 percent of the play box.

Mr. Scott said Mr. Skaff clarified that his motion was specifically dealing with path of travel. He noted the committee then created a task group to develop some proposals.

Mr. Scott suggested deferring further discussion of issues on this topic to the task group for resolution. He encouraged interested industry members to sign up for the task group.

Mr. Glenn Wardstrom, All About Play, said he had experience with different playground surfaces. He noted a federal court case designates engineered wood fiber an acceptable surface. Mr. Wardstrom stated there is an ASTM standard and test for accessibility. He expressed concern about causing confusion if California adopts a different standard.

Ms. Bird encouraged committee members to attend meetings of the ASTM standards board dealing with surfacing. She noted that group is looking at revising the 1951 standard to possibly incorporate use of a testing device, the Access Board is working with the U.S. Forest Service to look at the accessibility of engineered wood fiber, and the National Center on Accessibility is looking at different surfaces in terms of accessibility, durability, and head impact. Ms. Bird recommended that the committee look at these studies and take them into consideration. She offered to help work on these issues.

Mr. Scott invited interested parties to join the task group to help develop a workable solution.

Mr. Nudeck said the Fibar representative did not say anything about wear mats when he made his presentation at the last Advisory Board meeting. He added that he searched the Internet and was unable to find other references to that term. Mr. Nudeck stated that as a result, he had serious reservations about both the company and the product.

Mr. Peterson drew attention to the proposed motion on play area inspectors training. Mr. Scott clarified that the purpose of the draft motions was just to identify a few key issues to generate discussion. He advocated taking a comprehensive approach to make playgrounds usable, durable, and maintainable. Mr. Peterson recommended that the task group take up the issues identified when it meets again.

Mr. Skaff brought up the issue of designing for chemical sensitivity. With respect to the proposed motion on wheelchair lifts, he raised the question of front entry and back exit with a swing door.

FINAL UDC Minutes of 5-26-04

Mr. Scott suggested looking at the remaining agenda items and planning the next meeting. He welcomed State Architect Stephan Castellanos and updated him on the committee's progress. He invited Mr. Castellanos to address the group.

Mr. Castellanos welcomed guidance on two issues related to detectable warnings: defining what they are and where they should be used. He acknowledged that DSA and the Universal Design Committee have a great deal of work left to do in trying to reach a consensus on many other issues.

Mr. Castellanos stated that he had been conferring with the staff about the need to support the committee's work with resources and staff. He encouraged the committee to have a discussion on which key issues the committee wants to tackle, and then the staff will provide input on resources and timelines. He added there is also considerable work to be done in terms of making the transition to the new model code, so it would be helpful to plan in advance for what the committee needs.

Mr. Castellanos suggested that the staff provide an update on code development at the next meeting. He also proposed that the staff brief the committee on other universal design initiatives, training programs, outreach, and DSA activities. He said the DSA Advisory Board each year takes a look at critical issues and identifies a few main priorities for the next year, and he encouraged the committee to go through a similar process. He added that the staff hopes to arrange a strategic planning session later in the year.

Mr. Bate commented that the DSA Advisory Board's process has been successful. He noted the Board has been able to concentrate its efforts in a few key areas, and substantial progress has been made in resolving some long-standing problems.

Mr. Scott welcomed feedback from Mr. Castellanos as to which issues were most important. Mr. Castellanos encouraged the committee to meet as frequently as necessary to complete its review of the code change package.

Mr. Scott recommended that committee members try to identify further changes to solve existing problems.

Ms. Toji suggested that the staff find a way of pointing out editorial changes as a group so they can be approved with one motion. She noted this would save considerable time in the committee's review process. She proposed directing attention only to the substantive issues.

In response to the many people who attended this meeting, Ms. Toji recommended clustering certain agenda items together so people can plan accordingly. Mr. Castellanos suggested imposing a time limit on public comment so the committee has enough time for its deliberations.

Mr. Vester drew attention to the staff's listing of significant and insignificant changes. He suggested it might be helpful in the future to allocate a certain amount of time for each agenda item. Mr. Scott asked the staff to provide the committee with a list separating insignificant from significant changes, and then establish a timetable.

FINAL UDC Minutes of 5-26-04

Mr. Noble said the staff plans to submit the code change package to the agency for approval by mid-June, so the committee needs to provide whatever input it wants before then.

Mr. Scott requested that the staff provide a highlighted version of the changes indicating just those that are not editorial. He suggested developing a list of non-editorial issues, and then voting to approve all the other changes in a single motion.

Mr. Guisasola commented that it was helpful to have a statement of reasons explaining the rationale for the substantive code changes.

Ms. Huber noted the DSA Advisory Board and the Building Standards Commission's Advisory Committee already received copies of the proposed changes.

Mr. Scott suggested completing the remaining code change provisions, and then dealing with task group updates and other issues.

Ms. Huber said the staff would create a list of nonsubstantive and substantive matters, provide a statement of reasons for the substantive issues, cluster related topics together, and designate time limitations. Committee members approved this approach.

Next Meeting

After some discussion, committee members scheduled a two-day meeting for Monday, June 14, from 10:00 a.m. to 5:00 p.m., and Tuesday, June 15, from 8:30 a.m. to 3:00 p.m.

Committee members agreed to take up the issue of signage at 8:30 a.m. on June 15.

Mr. Vester said the meeting notice and agenda will be posted on the Web site.

Old Business

There were no items of old business considered by the Universal Design Committee.

New Business

Mr. Scott drew attention to the materials in the committee members' binders.

Adjournment

Mr. Scott thanked committee members and guests for their participation.

There being no further business, Mr. Lawrence made a motion, seconded by Mr. Skaff, that the meeting be adjourned. The meeting of the Universal Design Committee was adjourned at 3:20 p.m.

Follow Up & Action Items

1. In addition to the organizations already contacted regarding the vacancy on the committee, meeting participants were asked to inform DSA staff of additional organizations or individuals that represent the blind and visually impaired community who might be interested in participating on the UDC. Mr. Ron Mincer offered to provide contact information for the Blind Veterans Association and Ms. Sharon Toji recommended contacting the Braille Institute in southern California.

FINAL UDC Minutes of 5-26-04

2. Regarding the UDC's recommendations for committee membership and structure, the Policies and Procedures Committee will present the proposed modifications to the DSA Advisory Board for approval at the June 18 quarterly board meeting.
3. Mr. Scott asked staff to include a public comment period on future agendas.
4. By way of motion, staff was asked to keep the tape running for the entire duration of the meeting. The motion passed unanimously.
5. Mr. Scott asked the staff to request a pause whenever tapes need to be changed.
6. Mr. Scott asked committee members to put all future motions in writing.
7. By way of motion, the April 16, 2004 minutes were amended to include the changes discussed by the committee (see above discussion for changes). The motion was carried, 9 - 0 - 2 (Mr. Scott and Mr. Peterson abstaining).
8. DSA's proposed code changes for the 2004 code adoption cycle will be submitted to the Building Standards Commission on August 2, 2004. (Please see "2004 Code Adoption Cycle" above for committee actions).
9. State Architect Stephan Castellanos said the staff will find a better meeting space and more microphones for future code cycle meetings.